



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,290	06/27/2003	Jerry E. Elliott	CASC 10-CIP	8523
43031	7590	12/23/2005	EXAMINER	
THOMAS E. HILL EMRICH & DITHMAR, LLC 125 SOUTH WACKER DRIVE, SUITE 2080 CHICAGO, IL 60606-4401			DUNWOODY, AARON M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,290

Applicant(s)

ELLIOTT, JERRY E.

Examiner

Aaron M. Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings were received on 10/3/2005. These drawings are approved.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 1445286, Bosco in view of US patent 1619749, Murray.

In regards to claim 1, Bosco discloses an apparatus comprising:

a body portion (13) having first and second opposed ends;

an arm (14) having a first end pivotally coupled to the body portion adjacent the first end thereof, the arm further including a second opposed end adapted for insertion in an aperture in the first edge flange of the repair clamp;

a clasp (15) pivotally coupled to the body portion intermediate the first and second opposed ends thereof and adapted to engage an outer edge of the repair clamp's second edge flange when the body portion is in a first position relative to the arm and clasp and the repair clamp is loosely disposed about the pipe, wherein pivoting displacement of the body portion about the arm and clasp to a second position draws the repair clamp's edge flanges together for securely maintaining the repair clamp on

Art Unit: 3679

and in engagement with the pipe and allowing the nut and bolt combinations to be tightened for securing the repair clamp to the pipe in a sealed manner.

Bosco does not disclose an adjustable coupling means disposed in the body. Murray teaches an adjustable coupling means (17-21) disposed in the body to provide a dead lock for the lever when in operation (lines 93-101). As Murray relates to clamps, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an adjustable means disposed in the body to provide a dead lock for the lever when in operation, as taught by Murray.

Note, **the repair clamp is not part of the claimed invention.**

In regards to claim 2, Bosco discloses the clasp includes a first end engaging the outer edge of the repair clamp's second edge flange and a second opposed end pivotally coupled to the adjustable means on the body portion.

In regards to claim 3, Bosco in view of Murray disclose a first pivot pin coupling the second end of the clasp to the adjustable means, wherein the adjustable means includes an elongated slot disposed in the body portion and having plural engaging members disposed in a spaced manner along the length of the slot for engaging the first pivot pin and establishing spacing between the arm and the clasp.

In regards to claim 4, Bosco in view of Murray disclose each of the engaging members includes a pair of concave recesses in facing relation within the elongated slot, with plural pairs of facing concave recesses disposed in a spaced manner along the length of the elongated slot, and wherein each pair of facing concave recesses securely engages the first pivot pin in a releasable manner.

In regards to claim 5, Bosco in view of Murray disclose the clasp includes a first hook disposed on its first end for engaging the outer edge of the repair clamp's second edge flange and a second hook disposed on its second opposed end and positioned about the first pivot pin.

In regards to claim 6, Bosco in view of Murray disclose the first pivot pin includes a first pair of opposed convex portions and a second pair of opposed flat portions disposed in an alternating manner about its circumference, and wherein the convex portions are adapted for secure engagement with opposed facing pairs of concave recesses in the elongated slot for fixedly coupling the clap to the body portion, and wherein the first pivot pin is movable along the length of the slot for repositioning the first pivot pin within the slot when the opposed the portions of the first pivot pin are in facing relation to the opposed convex portions of the slot.

In regards to claim 7, Bosco in view of Murray disclose the body portion includes first and second connected members forming a handle at respective first connected ends thereof.

In regards to claim 8, Bosco in view of Murray disclose second opposed ends of the first and second members arranged in a spaced manner from each other and wherein the arm and the clasp are disposed between the first and second members adjacent the second ends thereof

In regards to claim 9, Bosco in view of Murray disclose a second pin pivotally coupling the arm to the body portion, wherein the first and second pins are disposed between and coupled to the first and second members.

In regards to claim 10, Bosco in view of Murray disclose the adjustable means further includes first and second elongated linear slots respectively disposed in the first and second members with each of the slots having plural engaging members disposed in a spaced manner along the respective lengths thereof, and wherein the engaging members in the first slot engage a first end of the second pivot pin and the engaging members in the second slot engage a second opposed end of the second pivot pin.

In regards to claim 11, Bosco in view of Murray disclose the arm and the clasp are disposed in closely spaced, aligned relation when the body portion is pivotally displaced to the second position.

In regards to claim 12, Bosco in view of Murray disclose a handle disposed on the second end of the body portion.

In regards to claim 13, Bosco in view of Murray disclose the handle is comprised of rubber or an elastomeric material.

In regards to claim 14, Bosco in view of Murray disclose the second end of the arm includes a hook structure for insertion into the aperture when the body portion is in the first position, and wherein the hook structure cannot be removed from the aperture when the body portion is in the second position for locking the repair clamp in position on the pipe.

In regards to claim 15, Bosco in view of Murray disclose the aperture is in the form of a slot and the hook structure includes first and second coupled flat portions having approximately 90 degrees relative orientation.

In regards to claim 16, Bosco in view of Murray disclose the clasp is generally C-shaped and includes an elongated slot for engaging an outer edge of the repair clamp's second edge flange.

In regards to claim 17, Bosco in view of Murray disclose the apparatus is comprised of high strength steel.

In regards to claim 18, Bosco in view of Murray disclose first and second pins attached to the body portion for pivotally coupling the clasp and arm, respectively, to the body portion, and wherein the second pin forms an axis of rotation about which the body portion rotates when moved between the first and second positions.

In regards to claim 19, Bosco in view of Murray disclose the first and second pins and an end portion of the clasp engaging an outer edge of the repair clamp's second edge flange are in general linear alignment when the body portion is in the second position.

In regards to claim 20, Bosco in view of Murray disclose the body portion is pivotally displaced about the second pin in moving the body portion from the first to the second position in removing the apparatus from the repair clamp.

In regards to claim 21, Bosco in view of Murray disclose an apparatus comprising: an elongated body having first and second opposed ends and an intermediate portion disposed therebetween; an arm having a first end pivotally coupled to the body adjacent the first end thereof by means of a first pivot pin and a second opposed end adapted for insertion in an aperture in the first edge flange of the repair clamp; a clasp pivotally coupled by means of a second pivot pin to the body

intermediate the first and second opposed ends thereof and adapted to engage an outer edge of the repair clamp's second edge flange when the body is in a first position relative to the repair clamp and the repair clamp is loosely disposed about the pipe, wherein pivoting displacement of the body about the first pivot pin in a direction away from the repair clamp's second edge flange to a second position relative to the repair clamp draws the second end of the arm and the clasp as well as the repair clamp's first and second edge flanges together, and wherein the inner liner and cylindrical body of the repair clamp are securely maintained in engagement with the pipe about its outer periphery allowing the nut and bolt combinations to be tightened for securing the pipe clamp to the pipe in a sealed manner, wherein the arm and the clasp may be disengaged and removed from the edge flanges and the apparatus removed from the repair clamp following tightening of the nut and bolt combinations; and adjustable coupling means disposed in the elongated body for coupling the clasp to the elongated body while allowing for changing spacing between the arm and the clasp to accommodate a range of sizes of the repair clamp and diameters of the pipe.

Note, **the repair clamp is not part of the claimed invention.**

In regards to claim 22, Bosco in view of Murray disclose the body includes first and second spaced, generally parallel members, with the first and second pins disposed between and coupled to the first and second members.

In regards to claim 23, Bosco in view of Murray disclose a handle disposed on the second end of the body.

In regards to claim 24, Bosco in view of Murray disclose the handle is comprised of rubber or an elastomeric material.

In regards to claim 25, Bosco in view of Murray disclose the second end of the arm includes a hook structure for insertion into the aperture when the body is in the first position, and wherein the hook structure cannot be removed from the aperture when the body is in the second position for locking the repair clamp in position on the pipe.

In regards to claim 26, Bosco in view of Murray disclose the aperture is in the form of a slot and the hook structure includes first and second coupled flat portions having generally 90 degrees relative orientation.

In regards to claim 27, Bosco in view of Murray disclose the clasp is curvilinear in shape having a first end coupled to the second pivot pin and a second opposed end engaging the outer edge of the repair clamp's second edge flange.

In regards to claim 28, Bosco in view of Murray disclose the second end of the clasp is generally in the form of a hook.

In regards to claim 29, Bosco in view of Murray disclose the apparatus is comprised of high strength steel.

In regards to claim 30, Bosco in view of Murray disclose the first pin forms an axis of rotation about which the body rotates when moved between the first and second positions.

In regards to claim 31, Bosco in view of Murray disclose the first and second pins and the second end of the clasp are in general linear alignment when the body is in the second position.

In regards to claim 32, Bosco in view of Murray disclose the adjustable means changes spacing between the arm and the clasp, bringing the arm and clasp closer together for smaller pipe clamps and pipe diameters and moving the arm and clasp apart for larger pipe clamps and pipe diameters.

In regards to claim 33, Bosco in view of Murray disclose the clasp includes a first end engaging the outer edge of the repair clamp's second edge flange and a second opposed end pivotally coupled to the second pivot pin.

In regards to claim 34, Bosco in view of Murray disclose the adjustable means includes an elongated slot disposed in the body portion and having plural engaging members disposed in a spaced manner along the length of the slot for engaging the first pivot pin and establishing spacing between the arm and the clasp.

In regards to claim 35, Bosco in view of Murray disclose each of the engaging members includes a pair of concave recesses in facing relation within the elongated slot, with plural pairs of facing concave recesses disposed in a spaced manner along the length of the elongated slot, and wherein each pair of facing concave recesses securely engages the first pivot pin in a releasable manner.

In regards to claim 36, Bosco in view of Murray disclose the clasp includes a first hook disposed on its first end for engaging the outer edge of the repair clamp's second edge flange and a second hook disposed on its second opposed end and positioned about the second pivot pin.

In regards to claim 37, Bosco in view of Murray disclose the second pivot pin includes a first pair of opposed convex portions and a second pair of opposed flat

Art Unit: 3679

portions disposed in an alternating manner about its circumference, and wherein the convex portions are adapted for secure engagement with opposed facing pairs of concave recesses in the elongated slot for fixedly coupling the clasp to the body portion, and wherein the second pivot pin is movable along the length of the slot for repositioning the first pivot pin within the slot when the opposed flat portions of the first pivot pin are in facing relation to the opposed convex portions of the slot.

In regards to claim 38, Bosco in view of Murray disclose the body portion includes first and second connected members forming a handle at respective first connected ends thereof.

In regards to claim 39, Bosco in view of Murray disclose second opposed ends of the first and second members are arranged in a spaced manner from each other and wherein the arm and the clasp are disposed between the first and second members adjacent the second ends thereof.

In regards to claim 40, Bosco in view of Murray disclose the arm and the clasp are disposed in closely spaced, aligned relation when the body portion is pivotally displaced to the second position.

Response to Arguments

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3679

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Primary Examiner
Art Unit 3679

.amd